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UNHCR ACTIVITIES FINANCED BY VOLUNTARY FUNDS: REPORT FOR 1993-1994 AND PROPOSED PROGRAMMES AND BUDGET FOR 1995

PART III - EUROPE

Section 3 - Austria

(submitted by the High Commissioner)

GE.94-02819

III.3 AUSTRIA

Country Overview

Characteristics of the refugee population

1. The authorities estimate that some 80,000 persons have found refuge in Austria since the outbreak of the conflict in the former Yugoslavia in November 1991. A large number of those benefiting from temporary protection have received special assistance from provincial governments and the federal authorities. The number of registered beneficiaries of this assistance, which includes language training and access to public schools, rose from 42,127 at the beginning of 1993 to 46,869 in June 1993, whereupon the number gradually decreased to 40,184 at the end of December 1993 and 37,000 in April 1994. While the decrease is partly due to departures from Austria (primarily to Germany), newly-arrived persons have been admitted into the programme.

2. At the end of 1993, about one third of the beneficiaries were accommodated in public facilities, and the rest were living in privately owned guest-houses or homes. Temporarily protected persons have gradually been given access to the labour market.

3. With regard to other categories of asylum-seekers, their numbers also continued to decrease. In 1993, 4,744 asylum claims were registered compared to 16,238 in 1992. The number of applications (mostly from Iraq, the Islamic Republic of Iran and Turkey) in the first four months of 1994 stood at 1,582. Restrictions imposed on access by asylum-seekers to the federal care and maintenance programme have led to a sharp decrease in new registrations of assisted asylum-seekers. In 1992, their number dropped from 9,238 (57 per cent of the total number of asylum-seekers) to 1,119 (24 per cent) in 1993. As in 1992, a large number of asylum seekers - such as undocumented ones and many of those who transited through a third country - were placed in detention pending deportation upon presentation of their asylum requests or upon a negative first instance decision on their application.

Major developments (1993 and first quarter 1994)

4. The Federal Aliens Law and the Residence Law, which concerns refugees and asylum-seekers, entered into force in 1993. The Residence Law (§12) contains provisions stating that at times of intensified international tensions, armed conflicts or other circumstances threatening the security of a population, the Federal Government may, by decree, grant temporary residence in Austria to groups of aliens who are immediately affected and who do not find protection elsewhere. Upon the entry into force of the Residence Law, the Government issued a decree granting temporary residence, until 31 December 1994, for those citizens of Bosnia and Herzegovina who had arrived in Austria before 1 July 1994. Initially, persons with temporary protection status could only be employed through local administrative structures or non-governmental organizations (NGOs). However, in July 1993, despite growing unemployment in Austria, the Federal Minister of Labour and Social Affairs issued an ordinance which established a quota for limited employment of Bosnian refugees in the public and private sectors. As a result of

an increasing number of Bosnians entering the work force, the total number of foreign workers registered in Austria rose slightly during 1993. In April 1994, some 10,000 individuals in this category were thought to be engaged in gainful employment. Further measures, in particular the provision of housing for those integrating, are also foreseen.

5. Simultaneously the authorities further reduced the number of asylum applications pending from previous years. In 1993, 15,397 applications were decided upon (23,485 in 1992), of which 1,193 were decided positively (2,289 in 1992). The recognition rate in 1992 decreased from 9.7 per cent to 7.8 per cent in 1993. Most of those granted asylum in accordance with the provisions of the Asylum Law were either family reunion cases or ex-detainees from Bosnia and Herzegovina with their family members, who were accepted by the Government of Austria under a special quota and upon UNHCR's request. Over 600 ex-detainees and family members have been accepted by the Government, as opposed to the limited number of 200, originally foreseen.

6. UNHCR Vienna continued to function as a Regional Office covering, in addition to Austria, the Czech Republic, Poland and Slovakia. The office also maintains contacts with the Secretariat of the Conference for Security and Cooperation in Europe (CSCE) and other institutions based in Vienna.

Programme objectives and priorities

7. In order to fulfil effectively its supervisory role with regard to the application of the 1951 Convention, and given UNHCR's role as foreseen under the new Asylum Law, UNHCR will continue to support and strengthen the country-wide network of independent lawyers that has been established in cooperation with Caritas-Austria. The objectives also include improved coordination between NGO refugee counsellors (primarily Caritas staff and Amnesty International volunteers) and more legal training activities. These activities form part of UNHCR's efforts to ensure access to the asylum procedure, fair processing of asylum requests, and humanitarian solutions for formally rejected cases, some of whom might have a valid claim to refugee status.

8. Assistance towards the integration of refugees is fundamentally a task for the federal authorities, although some sectors, such as housing, lie within the competence of the provincial Governments. The nine provincial Governments contribute substantially to the above-mentioned care and maintenance programme, in particular for Bosnians. Since governmental care and maintenance to asylum-seekers is lower than in previous years, various NGOs have increased their assistance to persons who have been excluded. NGOs, notably Caritas, often act as implementing partners of the provincial authorities.

9. Through its public information programme, UNHCR will increasingly undertake activities to foster a positive attitude towards refugees among the public as well as among authorities and institutions. As of 1994, UNHCR sponsors an annual award to the best NGO contribution to the integration of refugees.

Arrangements for implementation/related inputs

10. Caritas-Austria is UNHCR's operational partner in legal assistance activities and continues to contribute substantially to the legal assistance project. UNHCR will continue to participate in the Fund for the Integration of Refugees, which is chaired by a representative of the Ministry of the Interior and provides assistance for housing, basic household installations and language courses for recognized Convention refugees. The Ministry of Interior provides most of the funding for these activities, but the Fund is also supported by annual reimbursement of loans, granted to refugees in Austria in previous decades, through UNHCR.

General Programmes

(a) **Variations in planned activities in 1993**

11. Some 700 asylum-seekers were assisted, either directly by the Caritas project coordinator or by the legal counsellors. The total number of beneficiaries in 1993 is estimated at 2,500, as compared with 4,744 in 1993 and 16,238 in 1992. By 1 April 1993, a complete network of eight lawyers, which had been gradually established since the beginning of the year, was operational and covered Austria's nine provinces.

12. Three in-depth analytical papers were prepared by a consultant for the network of lawyers, one of them jointly with the Caritas project coordinator. The topics covered by these studies were (a) procedural fees, (b) the denial within the asylum procedure of a suspensive right of appeal and (c) the possibility to challenge, retroactively after release, alleged illegal detention. Towards the end of 1993, UNHCR sought an expert's opinion on admission of asylum-seekers into the federal care and maintenance scheme.

(b) **1994 planned implementation**

13. Two persons were added to the network of lawyers in 1994, which will cooperate closely with other NGO social/legal counsellors. UNHCR, in conjunction with Caritas will organize training in international and national refugee law for NGO social/legal counsellors. The local training activities will be complemented by regional training in refugee and asylum law and practice.

(c) **1995 programme proposals**

Care and maintenance

14. For 1995, a further expansion of the lawyers' network is foreseen to facilitate access of asylum-seekers to appropriate legal procedures. The Regional Office will continue and, if necessary, intensify its legal training activities.

Programme Delivery and Administrative Support Costs

(a) Variations in planned activities in 1993

15. Overall expenditure remained below the approved budget due to delays in filling vacant posts. One of the Legal Officers was acting as Liaison Officer in the newly established office in Slovakia during most of the year. Some gaps due to delays in filling vacant posts were filled through temporary staff and, in one case, by a consultant. By the first half of October 1993, with the arrival of the Public Information Officer, all posts were filled.

(b) 1994 planned implementation

16. The posts of Senior Legal Officer and Associate Legal Officer have been proposed for upgrading to Deputy Regional Representative and Legal Officer respectively, which will result in a slight increase in salaries and common staff costs. Expenditure is also foreseen for public information activities as well as for the replacement of outdated computer equipment.

(c) 1995 programme proposals

17. Initial estimates for administrative costs in 1995 are slightly lower than the revised 1994 budget as no major expenditure is foreseen for office equipment, which should have been purchased during 1994. Office rent will continue to be free of charge.

UNHCR EXPENDITURE IN AUSTRIA

(in thousands of United States dollars)

1993	1994		1995	
AMOUNT OBLIGATED	ALLOCATION APPROVED BY 1993 EXCOM	PROPOSED REVISED ALLOCATION	SOURCE OF FUNDS AND TYPE OF ASSISTANCE	PROPOSED ALLOCATION/ PROJECTION
GENERAL PROGRAMMES				
355.8	–	–	CARE AND MAINTENANCE	–
23.2 a/	–	–	VOLUNTARY REPATRIATION	–
178.3	324.4	130.3	LOCAL SETTLEMENT	218.4
39.7 a/	–	–	RESETTLEMENT	–
–	–	993.2	PROGRAMME DELIVERY See Annexes I a and II a	998.9
597.0	324.4	1,123.5	SUB-TOTAL OPERATIONS	1,217.3
612.9	622.1	240.6	ADMINISTRATIVE SUPPORT See Annexes I b and II b	220.0
1,209.9	**946.5**	**1,364.1**	**GRAND TOTAL**	**1,437.3**

a/ obligation incurred against Overall Allocation